REMARKS

The Office Action mailed February 4, 2004, has been received and reviewed. Claims 1 through 7, 18 and 21 are currently pending in the application. Claims 8 through 17, 19 and 20 have been previously withdrawn from consideration as being drawn to a non-elected invention and have been canceled. Claims 18 and 21 are canceled herein. Claims 1 through 6, 18 and 21 stand rejected. Claim 7 has been allowed. Applicants have amended Claims 2 through 5, and respectfully request reconsideration of the application as amended herein.

35 U.S.C. § 102(b) Anticipation Rejection

Anticipation Rejection Based on Levine et al.

Claims 18 and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Levine et al. In order to expedite prosecution of the present application, Applicant has canceled claims 18 and 21, without prejudice to pursue the same in a continuation application.

In view of the foregoing, applicants respectfully request that the rejection of claims 18 and 21 be withdrawn as moot.

35 U.S.C. § 103 Obviousness Rejection

Obviousness Rejection Based on Levine et al. in view of Thomas

Claims 1 through 6 stand rejected under 35 U.S.C. § 103 as being obvious over Levine et al. in view of Thomas. Applicant submits that the combination of these references does not teach or suggest the presently claimed invention.

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

Reliance on Levine et al. in view of Thomas, however, does not establish a *prima facie* case of obviousness. Claim 1 has been canceled. Claims 2 through 5 have been amended to depend

from and include all of the limitations of allowed claim 7. Claim 6 depends from claim 5, which in turn depends from allowed claim 7. As such, claims 2-6 are not obvious over Levine et al. in view of Thomas. As such, Applicant respectfully requests withdrawal of the obviousness rejection to claims 2-6.

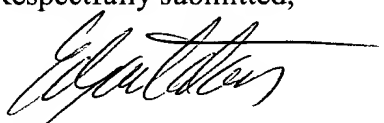
ENTRY OF AMENDMENTS

The amendments to claims 2-5 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, the amendments do not raise new issues or require a further search.

CONCLUSION

Claims 2-7 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,



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Date: July 6, 2004
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